

**United States District Court**

**for the**

**Eastern District of Washington**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

NOV 21 2005

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Nakia Shane Burland

Case Number: 2:00CR00010-001  
2:00CR00053-001

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Chief U.S. District Judge

Date of Original Sentence: 10/04/2001

Type of Supervision: Supervised Release

Original Offense: Conspiracy to Receive and Pass  
Counterfeit Obligation of the U.S., 18 U.S.C. § 371;  
Importation of a Controlled Substance, 21 U.S.C. §  
952

Date Supervision Commenced: 06/03/2005

Original Sentence: Prison - 46 Months; TSR - 60  
Months

Date Supervision Expires: 06/02/2010

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

16. You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.
17. You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
18. You shall not enter into or remain in any establishment where alcohol is the primary item of sale.

**CAUSE**

Nakia Burland violated conditions of his supervised release in Spokane, Washington, on or about November 10, 2005, by being arrested for driving under the influence. Driving under the influence is a gross misdemeanor with a maximum term of confinement of 1 year as outlined in R.C.W. 46.61.502.

Spokane Police Department records reflect that the offender was detained on November 10, 2005, and cited for driving under the influence. According to the arresting officer, Nakia Burland submitted two valid breath samples which resulted in a .102 and .109 reading.

Prob 12B

**Re: Burland, Nakia Shane****November 15, 2005****Page 2**

On November 11, 2005, Nakia Burland contacted the undersigned officer by telephone to advise of the aforementioned law enforcement contact. On November 15, 2005, Nakia Burland was summoned to the U.S. Probation Office to discuss the above-mentioned arrest for driving under the influence.

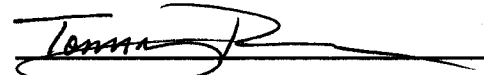
Although Mr. Burland admits consuming alcohol to excess earlier in the evening, he appeared remorseful given his lack of judgment surrounding this incident. It is his intent to follow all court ordered treatment and/or intervention programs. In fact, he will participate in an evaluation at New Directions Outpatient Program on November 23, 2005. The offender is scheduled to appear in Spokane County Municipal Court on November 29, 2005, regarding this matter.

On November 15, 2005, Nakia Burland signed a waiver of hearing agreeing to abstain from alcohol, and submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer; and shall not enter into or remain in any establishment where alcohol is the primary item of sale.

It is respectfully recommended that the Court adopt the attached waiver of hearing to modify conditions as outlined above. As Nakia Burland's driving under the influence charge remains pending, no additional action by the Court is requested at this time.

Respectfully submitted,

by



Tommy Rosser

U.S. Probation Officer

Date: November 16, 2005

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**THE COURT ORDERS**

- ☐ No Action  
☐ The Extension of Supervision as Noted Above  
☒ The Modification of Conditions as Noted Above  
☐ Other



Signature of Judicial Officer

11/21/05

Date

# United States District Court

Eastern District of Washington

## Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

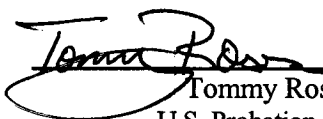
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

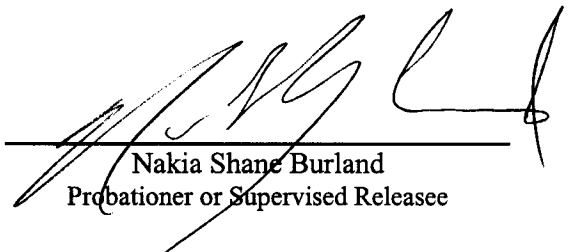
To modify the conditions of supervision as follows:

16. You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.
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18. You shall not enter into or remain in any establishment where alcohol is the primary item of sale.

Witness:

  
Tommy Rosser  
U.S. Probation Officer

Signed:

  
Nakia Shane Burland  
Probationer or Supervised Releasee

11-15-05

Date